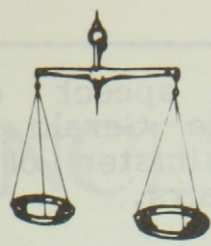


Quid Novi



LAW LIBRARY

NO. 10 *

DEC 7 1984

VOL. V NO. 11

McGILL UNIVERSITY FACULTY OF LAW

November 21, 1984

McGILL FACULTE DE DROIT UNIVERSITE MCGILL

21 novembre, 1984

MINORITY RIGHTS CONFERENCE

par Diane Brais

La conférence de M.G. Lévesque, ancien secrétaire-général de l'association des canadiens -- français de l'Ontario a été brève mais empreinte d'un certain revendicativisme.

Comme nous l'a fait remarquer M. Lévesque, la situation des Franco-Ontariens a beaucoup changé au cours de la dernière décennie, qualifiant même cette période de "mini-révolution".

A cet égard, il nous a fait part de la récente décision de la Cour d'Appel de l'Ontario (juin 1984) en matière de droits scolaires qui illustre bien cette évolution significative et représente une importante victoire pour la minorité-francophone. Le plus haut tribunal de la province a en effet reconnu unanimement aux Franco-Ontariens le droit de gérer leurs établissements d'enseignement, ce qui laisse beaucoup d'espoir quant à voir la Loi sur l'éducation amendée en conséquence.

Pour conclure, M. Lévesque a cité M. Trudeau qui, à l'occasion d'une lettre écrite à M. William Davis en mai 1984, invitait ce dernier à enclasser les droits linguistiques des Franco-Ontariens dans la Constitution et disait que "[...] les Franco-Ontariens

ne se sentiront jamais vraiment chez-eux dans leur propre province, ils ne se sentiront jamais les partenaires égaux de leurs concitoyens anglophones, ils n'auront jamais le sentiment que justice leur a enfin été faite tant que

leur existence ne sera pas reconnue dans la Constitution. Le refus même de leur accorder cette reconnaissance constitue une preuve symbolique qu'ils ne sont pas encore pleinement acceptés."

The Future of Minority Rights

by Marcel Banasinski

On Monday, November 5, several distinguished speakers came to McGill to offer their views on the future of minority language rights in Canada.

The Honourable Jules Deschênes, former Chief Justice of the Quebec Superior Court gave an eloquent dissertation on the matter from a legal perspective.

Mr. Justice Deschênes stated that multiculturalism in Canada is not a recent phenomenon but has been prevalent since the Treaty of Paris 1763. The Laurendeau-Dunton Report in 1963 significantly increased the awareness of Canada for the necessity of Bilingualism and Biculturalism.

Mr. Deschênes emphasized that the contribution of ethnic groups to the multicultural nature of

Canada must not be neglected. Previously, ethnic groups were treated as inferior, but these demeaning attitudes have changed with time, especially with the advent of the Canadian Charter of Rights and Freedoms. Section 27 of the Charter stipulates that the Charter should be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians. Sections 16-21 guarantee the use of French or English throughout Canadian public institutions. Section 23 affirms the right of all Canadians to an education in either French or English.

Mr. Deschênes suggested that bilingualism is the umbrella of multiculturalism. The presence of both the French and English languages will lead to a development of the whole mosaic of multiculturalism.

Cont'd on p. 2

* This issue contains material which was originally prepared for Vol. V No. 10.

Due to production difficulties, it was necessary to include it with No. 11.

Minority Rights

Cont'd from p. 1

The present Charter allows for the infinite development of the various cultures of Canada, requiring only the good faith of both the Federal and Provincial governments. In closing he hoped that we would partake of this unique opportunity for the enhancement and advancement of multiculturalism.

Mr. D'Iberville Fortier, the Commissioner of Official Languages in Canada, stated that the present state of affairs represented a turning point in his new mandate for several reasons. The legacy of his predecessor was tarnished because he failed to obtain equality between the two official languages, thus giving Mr. Fortier an incentive to do better. Secondly, most of the provinces have shown an interest in providing education for minorities in their own language. Lastly, the election of the new Conservative government will undoubtedly have significant repercussions on minority language rights.

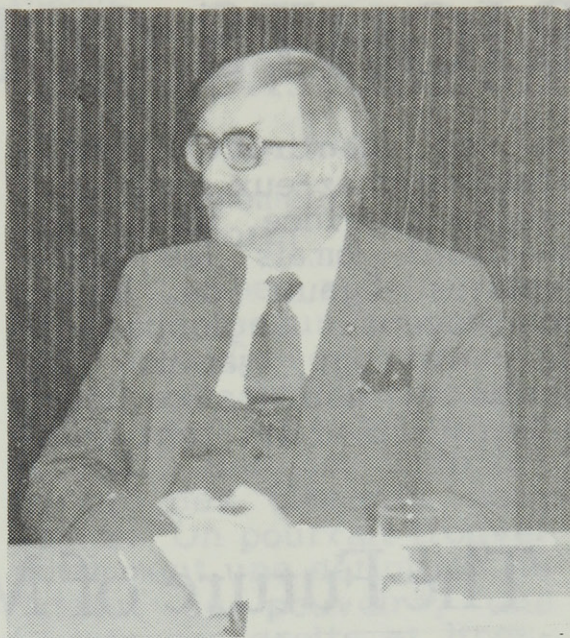
Mr. Fortier agreed with Mr. Deschênes in that bilingualism will support the development of multiculturalism, but it requires the mutual co-operation of both Federal and Provincial governments.

He emphasized that a guarantee of minority language rights is essential for the social development and well-being of Canada. However, he stipulated that the recognition of minority language rights may become an academic point if these rights are not entrenched in institutions.

The latter point was confirmed by the short, but

succinct, speech of the Honourable Gerald Godin, Quebec Minister of Linguistic Affairs.

Mr. Godin admitted that human rights are meaningless if they are not materialized into institutions. He also commented that reform for the protection and



enhancement of minority language rights may be achieved by pressure groups through political channels.

Mr. Michael Goldbloom, Vice-President of Alliance Quebec, gave a pragmatic analysis of minority language rights in Canada.

He stated that there are still public services in Canada that are available in both French and English. He declared that the recognition by other provinces for the need of French instruction was commendable but insufficient. He urged the institutionalization of French instruction to ensure that francophones have the power of reform over their educational system. On a similar note, he expressed relief on the fact that Bill 40, which would have deprived English

schools in Quebec of the power of reform, has been subjected to some significant changes.

he emphasized that the government should not compartmentalize minority rights but these rights should be reflected in every aspect of government policy.

Mr. Goldbloom stipulated that more pressure should be applied to the private sector to ensure and to maintain a bilingual policy.

He recommended that the teaching of a second language be mandatory throughout elementary and high school. There should be an ombudsman in every province to deal with problems pertaining to minority language rights. A special "language court" should be established to deal expeditiously with language matters.

He reminded the audience of the fallacy of the principle of the two founding people of Canada, namely the French and the English. This philosophy inherently leads to the conclusion that anyone who is neither French nor English is a second class citizen. Canada's existence as a culturally rich nation requires the interplay of its citizens, without the subordination of one to the other.

Quotes

"All footnotes are a form of exhibitionism."

Dean Macdonald
Tutorial

"The three pillars of the law: unreasonableness, absurdity, and manifest injustice."

Julius Grey
Administrative Law

THE CONFERENCE: A COMMENT

Rick Goossen

On Nov. 5 Forum National presented a conference on "Minority Language Rights in Canada". The morning session focused on "Minority Language Rights Today: An Evaluation". All six speakers gave an individual presentation followed by a group discussion and a question period.

The conference elicited a disappointing response from students and professors. The organization of this conference required ten months of planning and a great deal of energy, but the effort seems to have been futile if those for whom the effort was expended did not attend.

While the morning session began with a solid crowd of one hundred and fifty listeners, the total at various points in the day sank below the embarrassment point.

The actions of a certain portly constitutional professor was nothing short of shameful. He was asked to participate in the conference by chairing one of the sessions. "Too busy," he cried. As it turned out, attendance in the Moot Court Room was not even possible. He observed, however, that Forum National was providing coffee and doughnuts in the Common Room for Conference participants. His appetite was obviously larger than his conscience as he helped himself.

The morning session allowed several well-known players in the development of minority language rights to offer an evaluation of today's situation.

The Honourable Justice

Jules Deschênes, a former Chief Justice of the Quebec Superior Court, discussed federal and provincial developments. Deschênes spoke for forty minutes, surveying all levels of government involvement in the issue. His speech provided an introduction to the topic and set the stage for the rest of the day.

D'Iberville Fortier, the Official Languages Commissioner of Canada, examined the past and the future. On a national scale, the treatment of minority language rights in the past revealed "a fundamental misunderstanding of the makeup of the country." At present, the government must redress the negative processes which have taken hold. Constant social pressure in favour of language of the majority, must be countered by legislation. In practice, Fortier noted that in the past "all languages other than English were endangered species."

With respect to the future, Fortier discussed, "How to give minimal institutional support to minority language rights?" He made two points. First, it must be recognized that broader protection is necessary. Second, he described the role of legislation as "a bridge between the will to recognize and the will to make it [language policy] concrete."

Michael Goldbloom, Vice President of Alliance Quebec, also expressed two major concerns. First, Canadians should define simple solutions to language problems which address the concerns of the linguistic minorities of French and English Canada.

Second, the "lowest common denominator argument" must be rejected. French Manitobans, for example, need not be treated identically to English Quebecers. This argument was made in the context of the extent of government services supplied to the minority group. Goldbloom's perspective runs counter to that of the Parti Quebecois, which argues that the English minority in Quebec merits similar treatment to that provided for other Canadian minorities.

The Honourable Roy McMurtry, Attorney General of Ontario, was to participate in the conference, but was unable to attend. Irwin Cotler described McMurtry's absence as a result of a "force majeure" when introducing the substitute speaker.

The substitute, who shall remain nameless, was a third level bureaucrat. His presentation was somewhat disjointed and directionless. At one point, he explained what this conference was all about: "Man is not doing a very good job of getting along with fellow man." It was clear we had a philosopher in our midst.

For those who attended the Conference, it was undoubtedly helpful to contemplate the issues raised. The efforts of the Forum

National executive committee, Richard George, Andrea Lockwood, Diletta Prando, Gary Naschen, and Graeme Fraser and all of those who helped organize the conference are to be applauded.

Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3644 Peel St., Montreal H3A 1W9. Production is made possible by support of the Dean's office, the Law Students' Association, and by direct funding from the students. Opinions expressed are those of the author only. Contributions are published at the discretion of the editor and must indicate author or origin.

Editor-in-Chief Pearl Eliadis
Rédacteur en chef

Rédactrice française Diane
French Editor Brais

Associate Editor Rick
Rédactrice adjointe Goossen

Managing Editor Demetrios Xistris
Administrateur

Features Editor Debbie
Collaboration Raicek
spéciale

Photography Hartland
Photographie Paterson, Joe Welch

Staff Bettina Karpel,
Membres Todd Van Vliet, Scott
Turner, Sydney Fisher,
Julie LaTour, Arif
Currinjee, Louise
Comtois, Gertie Witte,
Véronique Marleau
Brian Mitchell, Richard Quon
Vicki Sterling, Nina
Brill, David Patterson,
Janet Henchey, Eric Roher,
Holly Nickle

Quid Novi est une publication hebdomadaire assurée par les étudiants de la faculté de droit de l'université McGill, 3644 rue Peel Montréal, H3A 1W9. La publication est rendue possible grâce à l'appui du bureau du doyen, de l'Association des étudiants en droit ainsi que par le financement individuel des étudiants. Les opinions exprimées sont propres à l'auteur. Toute contribution n'est publiée qu'à la discrétion du comité de rédaction et doit indiquer l'auteur ou son origine.

Editorial

Feeding Time At the ZOO

General Assemblies are intended to provide a forum for discussion and debate. The issues discussed are often of a controversial nature and thus the hostilities that were present last week only served to complicate matters unnecessarily.

It is true that the nature of the President's role in chairing the Assembly needs clarification. Mr. Janda is the first to acknowledge that his responses were "overboard". This, however, does not justify the comments directed at him which alleged abusive behaviour on Mr. Janda's part. There is no indication that he was acting in bad faith and comments of that nature were largely uncalled for. It would facilitate matters greatly if Robert's Rules of Order were respected and if students participated in General Assemblies in a spirit of cooperation.

The fact that Mr. Janda may have exceeded his role as Assembly chairman is a point well-taken, but it is unfortunate that the point was made in such a negative fashion.

It is hoped that in the future, the tone of General Assemblies will be cooperative rather than aggressive. Finally, we would like to add that the decisions made at General Assemblies affect the student body at large and with this in mind it is a poor reflection on the student body's participation that quorum could not be maintained.

Debbie Raicek

Pearl Eliadis

LETTERS

Dear Messrs. Drabkin and Smith.

I am writing at this time to follow up upon our conversation of last Friday, November 9th, in which we reviewed in detail the concerns you expressed in your letter published in the Quid Novi.

I believe that we had a fruitful discussion of all these issues and was delighted that Elaine Marchand, Chairperson of the Moot Court Board, David Stevens, Faculty Advisor to the Moot Court Board and Richard Janda, President of the Law Students Association were able to join

us at that time.

As I pointed out to you, there were no doubt several difficulties associated with Mooting II this year. We discussed various means to avoid a repetition of these in the future and you expressed your interest in helping the Moot Court Board address some of these problems.

As I indicated to you, Professor Stevens and the Moot Court Board have been working for some time now on proposals for the restructuring and enforcement of the procedural rules re-

Cont'd on p. 5

Cont'd from p. 4

lating to rooting. I anticipate having a full report and recommendations from them early in the spring term.

Let me thank you for your concern in this matter and I do appreciate your desire to help us make the rooting program, and indeed the entire academic program of our Faculty more rigorous and demanding from all points of view.

Yours very faithfully,
Roderick A. Macdonald
Dean

RESPONSE TO NEUDORFER SHORT

In reply to Mr. Neudorfer's article "Sauce for the Goose", a sense of humour may also be a measure of intelligence.

Maryanne Kramer

LONG

Asher Neudorfer's response to my article entitled "Grey Doorknob, Brass Handle" deserves a reply not merely due to his parochial misrepresentation of my comments, but chiefly because broader issues were raised in the process.

To begin with, I must thank Mr. Neudorfer for responding to my article. It is reassuring to know that at least one person read it. Also, I find it hard to disagree with anyone who uses the word "witty" three times no less in connection with my article.

Mr. Neudorfer's criticisms, while valid, do not apply to my article but stem from his complete misreading of the text. The article was a novel approach to finding a source of employment, in this case, a clientele of workers at a certain factory.

My discussion focused on the exploits of a limited number of workers, and was not meant to be a comprehensive treatment of all facets of such an environment. A group of workers, and likewise a group of students, will have an assortment of personality types: the dishonest, the racist, and the socially irresponsible. In my article, I dealt with certain workers at a particular factory. Nowhere did I say that, in general, all workers are racist or stupid.

Therefore, I find it ironic that Mr. Neudorfer made such a concerted effort to unearth just such a sweeping generalization. I spoke of individual workers and not the group as a whole. Anyone familiar with his coworkers, or co-students, will know that generalizations should be avoided.

My article, as Mr. Neudorfer noticed, was an attempt at humour. By taking a novel idea, adding a minimum of truth and a maximum of imagination, an entertaining product may result. To become attuned to this style of writing I heartily recommend heavy doses of Mordecai Richler and Mike Rayko (no further parallels are suggested).

It appears that Mr. Neudorfer's inability to comprehend the nature of the article, combined with his transition from welder to law student, led to a distorted analysis. As one who has recently left a

blue-collar job, the condescending attitudes of those with more formal education apparently still linger in Mr. Neudorfer's mind. I agree fully that education is not the measure of a person's worth.

To state that my article presented "the inference that workers, because of their lack of higher education, are little more than buffoons" reflects Mr. Neudorfer's desire for a platform from which to voice his opinion. Quite the contrary, rather than supplying of the planks I intentionally avoided making this inference possible.

I did not link the lack of education with any of the legal problems of these workers. In fact, I did not mention higher education (undoubtedly a contradiction in terms) at all. Such an inference, if not presented in my article, must have had its source elsewhere.

Mr. Neudorfer presented, by way of proof to the contrary, that he worked "more often than not...with men and women who were concerned about Quebec's constitutional right to veto, legal restrictions on the right to strike, and on the degrading effect of pornography."

I think it is safe to say that, if this is not a special group of welders, it is an exaggeration. The employed, blue-collar and white-collar alike, are generally concerned with things which give fundamental meaning to their lives: family, work, religion, etc. Only once these pillars provide stability can weightier issues concerning society as a whole be discussed.

Cont'd on p. 6

Response

For example, Gallup Polls conducted during the Constitution talks of 1982 indicated that Canadians were still primarily concerned with economic issues. Unless the stability of a job is provided, citizens usually do not direct their concerns elsewhere. I know of few construction workers, accountants, factory workers, engineers, or students, who in the midst of economic havoc, ponder legal and social issues. Of course, education is not of itself determinative of the concern people have for the rights of others.

Mr. Neudorfer pointed out that a law degree is "not a licence to belittle others with different skills". I must assume it was a general comment, unrelated to the contents of my article, and therefore I agree with it completely. I should add, though, that I do not know of a lawyer "who works with the Civil Code under his arms": besides creating an awkward situation when greeting clients, the articles might become soiled over time or smell of Mennen Speed Stick.

I would like to add some general remarks on the esteem the educated in society attach to themselves.

First, given the quality of Canadian universities, it is hardly a grand achievement to graduate with a B.A. It does not show superior intelligence, but merely commitment of time. In fact, I am embarrassed if people are impressed that I have a B.A. Usually, the less people know about universities, the more impressed they are. Thus, there is no reason for having an inflated ego.

Second, a Canadian university education is basically available for the asking. Until the past year or two, most universities required only a willingness to attend and an ability to pay as criteria for admission. Either there's no cream or we are all cream.

Third, there is no correlation between education and "wisdom". I mean wisdom in the broadest manner: common sense, an ability to relate to others, to discern needs in society, and to act in fairness. Many years of formal education can lead to increased knowledge, but not to greater wisdom. One comes to this conclusion easily when having experienced life in a university environment and in a factory setting.

In conclusion, I would only suggest that Mr. Neudorfer refrain from perpetuating the very attitude he seeks to combat. One should not look for the perpetuation of the stereotype where it was not presented. Believe me, after starting my eighth year of postsecondary education, rejoining the Steelworker's Union never looked better. As compared to a year of articling, I would be working about half as many hours while receiving three times as much money.

Rick Goossen

Environmental Law

It was with interest that I read the notice posted October 23rd in Chancellor Day Hall and the article in last week's Quid regarding the cancellation of the environmental law course. We have been told that "it was hoped" that the research activity of the proposed professor

would enable him to teach a Common Law environmental course at McGill, but "as it turns out", it did not.

Faced with this explanation, a number of questions spring to mind:

1. Would not the specialization of a potential professor's research be considered before announcing that he is to teach the new course?
2. Should not such consideration be more than the subject of mere "hope"?
3. If there was any doubt at all last spring that Mr. Bonyhady might not be qualified to teach the course when then as a matter of course was another candidate not chosen?
4. Was there no one else in Montreal qualified to teach such a course?
5. Why did it take until October 23rd to discover and announce this mistake?

One can imagine any number of fact scenarios which might provide very plausible answers to these questions, but given the inadequate explanation provided to date, such answers are left to the realm of speculation. Those of us hoping to study environmental law at McGill are left with a vague assurance that finding someone to teach such a course will be a high priority for the next hiring season. We won't hold our breath.

David Thompson

Dear Editor,

Last Wednesday afternoon a bake sale was held in order to raise funds for McGill students to attend the National Conference of Women and the Law to take place in Ottawa. A few

Cont'd on p. 7

LETTER

Cont'd from p. 6

hours later, a fourth year male student paid me a left-handed compliment that I would like to share with your readers.

With a smile on his face, he hesitantly said, "I know that you are active in Women and the Law, so I probably should not say this, but I saw you this afternoon and thought you looked sexy. You're looking good these days."

I gathered that this was meant as a form of flattery; so I replied with a customary "thank-you". However, I could not help but wonder if this man actually thought that being (relatively) attractive and participating in the Women and the Law group are two mutually exclusive categories.

We are certainly not a group of pimple-ridden girls who, out of desperation, have banded together. Rather, we are a group of enlightened women and men who meet just about every Thursday at noon to watch thought-provoking films, listen to speakers from the community, and discuss a variety of topics that include both the law and women.

I am pleased to be associated with these bright, inquisitive, and lively individuals. I also do not think that affiliation should detract from my sexuality or have any bearing on my physical appearance. There is nothing wrong with having a brain and a body.

As a matter of fact, participating in any extra-curricular activity enhances one's character by being exposed to new thoughts and ideas. As you well know, there is more to life than simply study of law.

Placement Centre

This is the first article of a new section which will now be appearing weekly in the Quid Novi and will provide up-to-date information from the Placement Centre. Details of all the following can be obtained in the Placement Office, Room 109 of Old Chancellor Day Hall.

Calgary

The firm of Macleod Dixon is actively recruiting second year law students. The firm will be hiring a minimum of 12 articling students for 1986/87.

Montreal

The office of attorney Ronald Cohen requires the services of a senior law student to work approximately 10 hours weekly in law research.

Legault-Joly seek a third year student for part-time work, mornings only.

Toronto

Law students and recent graduates are invited to apply to Baker & McKenzie's International Summer Clerkship Program for 1985. The firm anticipates appointing ten International Summer Clerks in 1985. Deadline for receipt of applications is December 7, 1984.

* * *

Each of the following law firms have vacancies for one articling student for 1985/86:

Bowyer, Greenslade & Hall -- Brampton, Ontario (general practice)
Burns, Vasan, Christmas & McLeod -- Hamilton, Ontario

Davis Webb -- Brampton, Ontario

Lee, Fireman, Regan -- Toronto (Insurance, defense work/civil litigation)

Mathews, Dinsdale & Clark -- Toronto, Ontario

Pelech, Otto & Powell -- Hamilton, Ontario (general lit., Family, Corp./Comm., Real Estate)

Stitt, Baker & McKenzie -- Toronto, Ontario

Teskey, Heacock & Ferguson -- Midland, Ontario (general practice)

NOTICE:

Once again the Law Institute of the Pacific Rim Summer Student Program is seeking to place Canadian law students in law firms in Australia. Refer to notice from University of British Columbia in Placement Centre.

Canada Law Games

Deposits for the bus will be taken by Debbie Duncan and Nick Vlahos in the Pit on Thursday, November 22, from 1:00 - 3:00 p.m. and Friday, November 23, from 12:00 - 2:00 p.m. The amount of the deposit will be \$25.

Also of note is that the skiing event has been replaced by a triathlon. The triathlon consists of a 3km skate, 4 km run and 5 km cross-country ski, each sport done consecutively by different participants. The list of team captains is posted in the Pit on the Sports Notice Board.

Quote of the Week

"The three pillars of the law: unreasonableness, absurdity, and manifest injustice".
Julius Grey
Administrative Law

Future General Assemblies

The role of General Assemblies and, in particular, the role of the LSA President as Chairperson of those assemblies, has for some time been a source of consternation within the Faculty. In the aftermath of last week's extravaganza, the time has come to make a few changes.

In the first place, the President should no longer be the Chairperson at General Assemblies. Next Tuesday, a referendum will be held to change the LSA Constitution so that the present Speaker of LSA Council, an independent person selected by the Council from the student body (i.e. someone who is neither a Class President nor an LSA Executive member or Faculty Council member) will become the Speaker for General Assemblies. This should solve the problem of having the LSA President playing a dual role of chairing a meeting and presenting resolutions or commenting upon them. A number of LSA presidents have wanted to make this change in the past, but the feeling was expressed that the LSA President would not be "visible" enough if he or she were not chairing these meetings. In my opinion, the "visibility" argument is quite beside the point, and the President can always participate in discussion as someone recognized from the floor by the Speaker.

Second, the LSA Council will meet today to set some procedural guidelines for the conduct of General Assemblies. Among the suggestions is that resolutions be publicized in advance in Quid Novi together with an explanation by the person proposing the resolution. When the reso-

lution is introduced at the assembly, a fixed question period can be set aside and then speakers should alternate for and against the resolution. A fixed number of speakers on either side (and one can make place for neutral speakers at the end) would make their points and then, unless someone were to move to extend debate, the question would be called.

Third, there is some issue as to the function of General Assemblies. While some may be inclined to complain about levels of student apathy, if General Assemblies are not perceived as serving a useful or important function, people will not wish to attend. For my own part, I think it is important to have open discussion of issues which may prove to be controversial. Obviously, every matter pursued by the LSA cannot be raised at General Assembly. Otherwise there would be no need for LSA Council. But sometimes issues like Thomson House and French Language requirements arise which should be subject to wider consultation. However, in future the LSA will seek to publicize concrete resolutions in advance of Assemblies so that debate can be focused and informed.

This raises the question of quorum. My inclination is to keep quorum where it is and to see if measures like advance publicity can help to get 100 people out to meetings. This will be tested to some degree at the next General Assembly, which will be held November 21 and will consider the question of marks reform. Two motions will be put; one to adopt the Deved grading proposal and a second to adopt the university grading system (the "D" grade). Todd Sloan and

Ian Fraser, the student representatives on the Marks committee, will circulate an information sheet about these resolutions

next Monday so that people can consider the matter in advance of General Assembly. This Assembly will be particularly important insofar as Faculty Council meets the next day to decide on these items.

While the term is nearing its end, I hope people will take the time to come out and consider these important matters. With the changes in rules proposed, I believe the next Assembly can be more effective and, with some luck and cooperation, be finished within one hour.

Finally, with respect to the French language requirement and the results of the last General Assembly, no proposal will go to Curriculum Committee and ultimately to Faculty Council without a referendum in the student body. What emerged out of the Assembly, and what was useful to know, is that unless McGill can provide the support services to help people without a thorough knowledge of French to acquire additional language skills, any language requirement would be in vain. The LSA Committee on the role of the French language will try to put together a proposal reflecting this concern. In principle, however, the committee will proceed with a view to bolstering the bilingual character of the National Law program. Similarly, with respect to Thomson House, Ian Bandeen and I are in the process of negotiating terms for joining PGSS and will put the matter to a referendum once these terms are concluded.

Richard Janda



McGill
University

ASSOCIATION DES ÉTUDIANTS EN DROIT
UNIVERSITÉ MCGILL

LAW STUDENTS ASSOCIATION

November 19, 1984

On Thursday November 22, the LSA will be holding a referendum to change the LSA Constitution. At present, the President of the LSA is Speaker of the General Assembly. This creates conflict of interest problems when the LSA President is both presenting a resolution and attempting to act as a neutral arbiter of debate. The LSA Council has therefore put forward a proposed amendment which would have the effect of making the Speaker of LSA Council the Speaker at General Assemblies. The text of the amendment and the present provision of the Constitution will appear on the ballot. Voting will take place in front of the Moot Court.

L'AED tiendra un référendum décisionnel pour changer sa constitution, jeudi prochain le 22 novembre. Selon la constitution, le Président de l'AED est aussi le président des Assemblées générales. Ceci crée des problèmes de conflit d'intérêt lorsque le Président de l'AED présente une proposition et tente en même temps d'agir en qualité d'arbitre impartial lors du débat.

Le Conseil de l'AED propose en conséquence un amendement constitutionnel à l'effet que le président des réunions du Conseil de l'AED sera aussi le président des Assemblées générales. Le texte actuel de la constitution apparaîtront sur le bulletin de vote. Le scrutin aura lieu devant le Moot court.

Murray MacDonald

Chief Returning Officer

Micro-ordinateur

Deux microordinateurs MacIntosh sont maintenant à la disposition des étudiants en droit. Ils sont situés au troisième étage de la bibliothèque. Leur utilisation est gratuite, mais il est essentiel que vous rencontriez un bibliothécaire au préalable, afin de réserver votre période d'utilisation et de faire en sorte d'obtenir le matériel requis (programmes et manuels d'utilisation). Les heures prévues pour réserver sont de 9 hres à 17 hres du lundi au vendredi. Si vous prévoyez avoir besoin de l'ordinateur pendant le week-end, assurez-vous donc d'avoir réservé avant.

Un troisième microordinateur MacIntosh est aussi installé à la bibliothèque. Ce dernier est cependant relié à Quick Law, donc entièrement consacré à la recherche juridique. Afin de préciser, Quick Law est un organisme offrant à ses membres l'accès à des banques de données juridiques. Par l'entremise d'une méthode de recherche ou si vous préférez, de repérage, le chercheur obtient rapidement une quantité considérable d'informations sur le sujet de son choix.

Etant donné les coûts d'utilisation élevés de ce service (33.00\$ de l'heure pour les étudiants et 75.00\$ de l'heure pour les non-étudiants), l'intéressé doit tout d'abord chercher à maîtriser la méthode de recherche avant d'espérer en retirer des résultats satisfaisants. Dans cette optique, la bibliothèque de droit qui s'est abonnée à Quick Law cette année, offrira des cours d'apprentissage de la méthode de

Dans une semaine, les cours seront donnés aux étudiants de première année par l'entremise de leurs Tutorials. Le trimestre prochain, ce sera le tour des étudiants des années supérieures (les finissants seront favorisés), qui pourront s'inscrire à des Tutorials conçus spécialement pour leur montrer la technique. Les cours se donneront jusqu'à l'épuisement des fonds.

Véronique Marleau

COMPUTERS ARE HERE

Two MacIntosh microcomputers are now available for use by students in the Faculty of Law. They are situated on the third floor of the library. While use of the machines is free, it is essential that you make a reservation in advance. A variety of software programmes and accompanying manuals are available. Reservations can only be made Monday to Friday between the hours of 9:00 a.m. and 5:00 p.m. If you wish to make use of the computers during the week-end for word processing purposes, be sure to reserve well in advance.

A third MacIntosh has also been installed in the Library but is wholly dedicated to legal research. The machine is hooked up to Quick Law, a service offering access to various legal information banks. Once the technique is learned, a researcher can rapidly obtain a considerable amount of data on his/her subject. Given the costs of using Quick Law (\$33.00 an hour for students and \$75.00 per hour for non-students), those interested in using

Social Events Committee

Attention all students who like having a good time. This is your chance to have fun at Law School. We plan parties, banquets, trips and whatever else you feel will enable us to enjoy our years at McGill a little more. We need people with imagination, creativity, and enthusiasm to help us publicize and organize our upcoming events. On Thursday, at 1:00 p.m. we will be having a meeting in the LSA office. First year students are especially encouraged to attend. See you there, smiling!!

Mitchell Brownstein
Program Board

the service should make an attempt to master the research technique before expecting satisfactory results.

The Library will soon be offering tutorials to those who are interested in learning about Quick Law. For the remainder of this term these sessions will be restricted to first year students. Tutorials for registering upper year students will be offered in second term, and preference will be given to graduating students. The tutorials will continue to be given until the allotted budget is depleted.

Veronique Marleau

First Year Students

General Assembly

Wednesday, November 21
12:00 Noon Moot Court

A general briefing on examination procedures will be given by the Associate Dean, Professor Simmonds.

All first year students are urged to attend.

All interested upper year students are cordially invited to attend.

Dedicated to BUCKLEY

If Hamlet were a Lawyer and Buckley His Professor

by Pearl Eliadis

To will or not to will -- that is the question.
 Whether 'tis nobler in hindsight
 To suffer the slings and arrows of outrageous trustees
 Or to take arms against a sea of statutes,
 and by opposing end them.
 To die, to sleep--
 No more -- and by sleep
 to say we end the part-ache
 of leaving your money behind.
 'Tis a consummation devoutly to be wished.
 To die, to sleep
 Perchance to dream -- aye there's the rub!
 For what constructive trusts may come in this dream of
 death.
 When we have shuffled off the fruits of mortal toil
 Must give us pause.
 For who would bear the whips and scorn of mothers-in-law,
 The oppressor's wrong, the law's delay,
 But that the fear of a court after death--
 That place from whose bourne no Critical Legal Scholar
 returns--
 would make us rather bear those uncertainties we have
 Than fly to other we know not of.
 Thus equity does make cowards of us all,
 And the native hue of devolution
 is sicklied o'er with the pale cast of afterthought,
 Estates of great pith and moment
 With this regard their intentions turn awry
 And lose the beneficiary's name in the action.
 Soft, now; the fair Buckley.
 Sir, in thy orisons, be my name not called today.

Quote Dedicated to Prof. Buckley:

Ralph Nader, eminent consumer advocate and Harvard graduate, commenting on the Socratic Method--

"...Law professors take delight in crushing egos in order to acculturate the students to what they call "legal reasoning" or "thinking like a lawyer"... The process is a highly sophisticated form of mind control that trades off depth of vision and factual inquiry for freedom to roam in an intellectual cage..."

"...The case method of teaching, allied to the Socratic Method is sufficient to transform intellectual arrogance into pedagogical systems that humble the student into accepting its premises, levels of abstraction, and choice of subject..."

"Law Schools and Law Firms",
 Minn L. Rev., 54
 (1970) 494.

RED AND WHITE REVUE

When I'm Elected

The Red and White Revue, originated by law students in 1924, is being revived as a full stage musical comedy. Three McGill students, Steve Wood (producer/musical director), Remy Kawkabani (producer/writer), and Yona Stern (writer) were inspired by the 25th anniversary of My Fur Lady to revive this old tradition. My Fur Lady was the 1957 edition of the Red and White and ended up being the second biggest office smash in Canadian history. Originally a one-week run at McGill it went on a Cross Canada Tour.

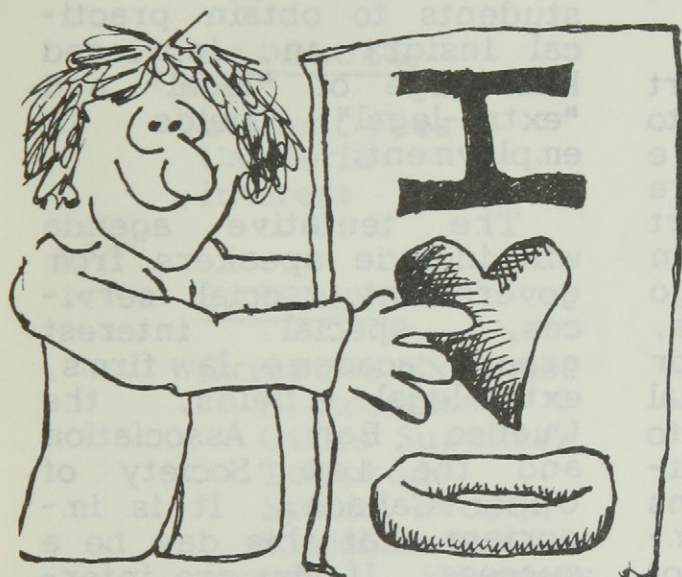
Among the distinguished alumni of past Red and White Revues are William Shatner (Star Trek), James Somville (Director of the National Film Board), Brian MacDonald (Director of Les Grands Ballets Canadiens), Galt MacDermott (Composer of "Hair"), Frank Mills (pianist), and Tim Porteous (Director of the Canada Council for the Arts). Other Red and Whiterers have gone on to fame as founding members of National Lampoon and Saturday Night Live. So there's hope for Marcy Morein (LLB I) and Mark Vinet (BCL II), per-

formers in this year's show, if they can't find jobs in the legal domain!!

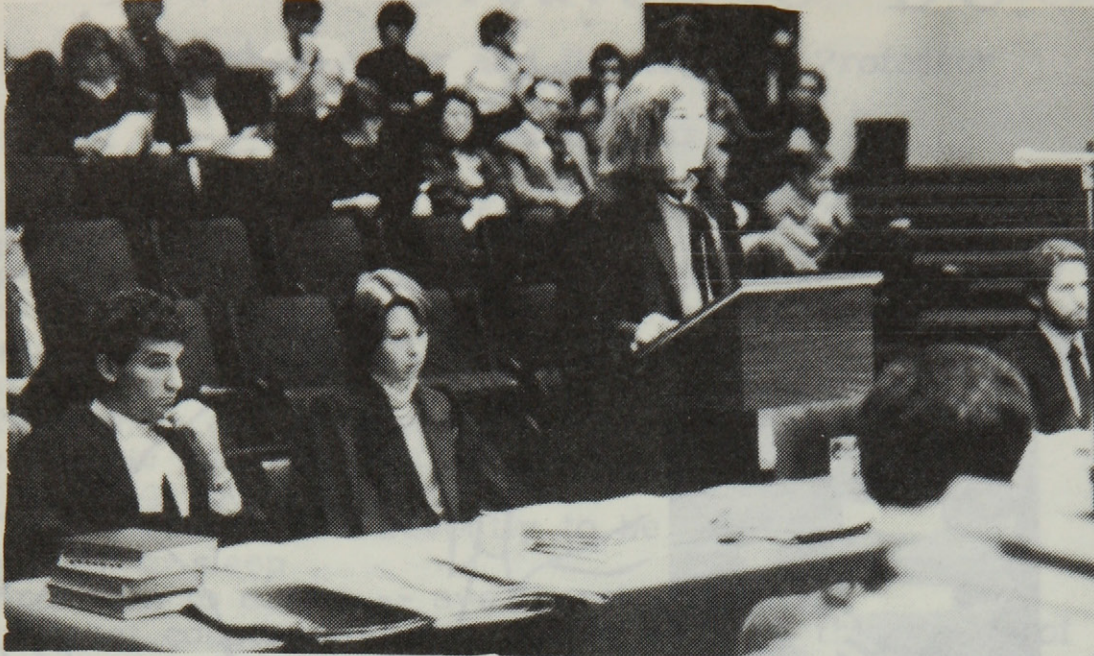
This year's show "When I'm Elected" focuses on the recent Canadian election and a hypothetically critical contest in the McGill-St. Laurent riding. Along the way Kaygun, Bulroney, Pseudo, Turnoff, James McGill, Ottawa, the CBC, and the civil service get "trshed" (to use Professor Glenn's favourite word) in spoofy song and dance. Original music and lyrics were written by co-producer

Cont'd on p. 12

Donut Eating!



Bar Prize Moot



Mr. Justice Gerald LeDain of the Supreme Court of Canada, Madam Justice Claire L'Heureux-Dubé and Mr. Justice Marcel Nichols of the Quebec Court of Appeal sat on an appeal from the Southam decision (which the Supreme Court of Canada has recently rendered) last Saturday afternoon in the McGill Moot Court.

Ms. Sonia Struthers and Mr. Richard Epstein admirably presented arguments for the appellants while Ms. Patricia Lawson and Mr. Elliot Cooperstone thoroughly advanced arguments for the Respondents. The result was a few hours of very engaging discussion. It was an educational and entertaining afternoon.

The Moot Court was magically transformed into a special place, resplendent with black gown, green table cloth and all the pageantry that accompanies a Bar Prize Moot. The appreciative audience included Me. Pierre Sébastien, Bâtonnier of the Barreau du Québec and Me. Arden Blakely, representing the Barreau de Montréal, Dean Macdonald, many professors, parents, and of course, plenty of students. Me. Sébastien and Me. Blakely awarded prizes on behalf of

their respective Bars to Sonia Struthers (best pleader); Struthers and Epstein (best factum); and Lawson and Cooperstone (best team). Mr. Justice LeDain presented the cup to the winning team of Lawson and Cooperstone.

The McGill Moot Court Board has many people to thank: the members of the Bench, the pleaders, the organizers, the support staff and the black-gown dry-cleaners. Thanks go out to Professors Stevens, Baker, Sklar and Grey for their support. Special thanks must be extended to Dean Macdonald and his office staff, to Mrs. Higgins and to the following members of the Junior Moot Court Board -- Sylvia Pateras, Patty Rogala, Manuel Dussault, Danny Lighter, and Robert Katz for their most valuable help.

The Organizers
Sophie Nappert
Bruce Randall

Poetry

There once was a man named
 Rex
 Whose organs were small for
 sex
 When charged with exposure
 he said with composure
de minimis non curat lex.

The Red and White Revue

Steve Wood.

When I'm Elected runs from Nov. 14th to the 24th (except Monday, Nov. 19th) at Moyse Hall in the Arts Building. Tickets are available at Sadie's in the Union or by calling 392-8983/8926 or from Marcy Morein (LLB 1). Come find out how to get elected!!!

CAREER DAY

Help Wanted!

Initial preparations for Career Day, March 8, 1985, are currently underway. Career Day will provide an opportunity for McGill law students to obtain practical insight and increased knowledge of "legal" and "extra-legal" fields of employment.

The tentative agenda will include speakers from government, social services, special interest groups, academe, law firms, extra-legal fields, the Quebec Bar Association and the Law Society of Upper Canada. It is important that this day be a success. If you are interested in helping, please contact Kevin Ratcliff.

In addition, the Law Faculty is in the process of establishing a Career Placement Office. It is located in room 109. We, the students, via the Careers Committee and André Lemieux will be responsible for its successful development. You are encouraged to contribute to the growth of this office. To join the Careers Committee, please contact Dan Bilak.

Joe Welch

BUDGET

CLUB	1983-84			1984-85	
	Requested	Granted	Spent	Requested	Proposed Grant
Sports	700	600	478	800	800
Quid Novi	1520	1520	1520	557	557
Legal Aid	500	550	550	450	450
Forum National	600	500	500	764	764
Int'l Law Soc.	600	500	250	944	588
Censorwatch	500	100	100	318	318
Crim. Law Group	475	250	125	100	100
Phi Delta Phi	425	125	125	573	200
Moot Court Board	544	152	152	649	157
WOMen & Law	545	400	400	859	509
LSA Speakers*	---	---	---	207	150
Community Legal Self-Help*	---	---	---	500	500

*new clubs 1984-85

1983-84 Budget and Actual Statement

Approximated actual figures in parantheses.

REVENUES

Student Fees	5545.50	(5842.40)
Cafeteria	5500.00	(5500.00)
Interest	850.00	(881.14)
TOTAL	11895.00	(12223.54)

EXPENSES

Executive Expenses		
Photocopies	350.00	(501.52)
Office Supplies	725.00	(315.88)
Telephone	950.00	(1001.84)
Special Events	100.00	(331.60)
Miscellaneous	200.00	(962.05)
Social Expenses		
Banquet		1000.00 (240.12)
Other		1200.00 (5392.31)
Class fund		700.00 (475.00)
Library gift		100.00 (100.00)
Sports		600.00 (478.50)
Quid Novi		1520.00 (1520.00)
Legal Aid		550.00 (550.00)
Forum National		500.00 (500.00)
International Law Society		500.00 (250.00)
Censorwatch		100.00 (100.00)
Criminal Law Group		250.00 (125.00)
Phi Delta Phi		125.00 (125.00)
Moot Court Board		152.50 (152.50)
Women and the Law		400.00 (400.00)
Nuclear Disarmament Group		200.00 (200.00)
Discretionary Fund		1673.00 -----

TOTAL 11895.50 12741.00
DEFICIT 517.54

OBSERVATIONS

I spent some time a couple of years ago in Strasbourg, France. I was sort of convalescing at the time, having just spent three uncomfortable weeks in a Portugese hospital as a result of having drunk too much Morroccan water -- but that's another story. I was staying in some rooms in an old castle by the Rhine, at the invitation of a friend who was unenthusiastically trying to study French literature, and a woman who aspired to be an artist, but who could never quite seem to decide which medium best suited her talents. We used to spend a lot of hours, the three of us, wandering through the woods behind the castle, or along the dykes that form the banks of the river just there, wearing old clothes and trying our best to be Europeans. (Which is kind of idiotic, really, considering that we were all three Canadians. But at the time we thought it was pretty chic.)

Anyway, one afternoon we were walking along by the river, bundled up in long gray overcoats and gloves with no fingers when Susan (the would-be artist) asked me if I had found myself yet. And it struck me as being a rather odd question, because life is such an ongoing, transitional thing that I don't think one can ever really "find" oneself. At least not officially, or definitively.

So I sort of stopped in my tracks when she asked me. And then I looked around and I noticed that we were beside the river, in the wind, beneath a cold November sky, and I said: "Yes, here I am." And a barge passed us, and a seagull squawked, and my

friend reached into his pocket and pulled out a spotted red handkerchief and blew his nose. At which point we all laughed, because there we were: suddenly exposed and discovered. Found, if you

will. If only for a moment.

Then we walked back to the castle and made some spaghetti and drank some wine, and decided that life was pretty cool, at least for the moment...

Scott Turner

